

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VIRTUAL COMPUTE CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	CIVIL ACTION NO. 4:17-cv-00092
SENTINEL INSURANCE COMPANY,	§	
LTD	§	
	§	
Defendant.	§§	
	§	

**DEFENDANT SENTINEL INSURANCE COMPANY, LTD'S  
NOTICE OF REMOVAL**

Defendant Sentinel Insurance Company, Ltd. ("Sentinel") files this Notice of Removal under 28 U.S.C. §§ 1332, 1441, and 1446 and states:

**I.  
INTRODUCTION**

1. Plaintiff Virtual Compute Corporation ("Plaintiff") commenced this lawsuit on December 5, 2016 by filing Plaintiff's Original Petition, ("Petition") in the 281st Judicial District Court of Harris County, Texas – Cause No. 2016-83670.

2. Plaintiff's Petition, which does not include a jury demand, names Sentinel Insurance Company, Ltd. ("Sentinel") as defendant.

3. Sentinel was served with Plaintiff's Petition on December 21, 2016.

4. Sentinel thus files this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

**II.**  
**BASIS FOR REMOVAL**

5. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District.

6. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs and attorneys' fees. These two conditions are satisfied in this matter.

**A. Removal is Proper Because Complete Diversity of Citizenship Exists Between Plaintiff and Sentinel**

7. Plaintiff Virtual Compute Corporation is a company incorporated in the state of Texas with its principal place of business in Harris County, Texas. Plaintiff Virtual Compute Corporation is a citizen of Texas for diversity jurisdiction purposes.

8. Defendant Sentinel Insurance Company, Ltd. is an insurance company incorporated in the State of Connecticut with its principal place of business in Hartford, Connecticut. Sentinel is a citizen of Connecticut for diversity jurisdiction purposes.

9. Complete diversity of citizenship exists between Plaintiff and Defendant Sentinel now and on the date Plaintiff filed this lawsuit.

**B. Removal is Proper Because Plaintiff's Claimed Damages Exceed This Court's Jurisdictional Threshold of \$75,000.**

10. If it is facially apparent that Plaintiff's claims exceed \$75,000, exclusive of interest, costs, and attorneys' fees, Defendant's burden is satisfied.<sup>1</sup>

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<sup>1</sup> *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

11. Here, Plaintiff's Petition states that Plaintiff seeks to recover monetary damages in excess of \$100,000.00 in this lawsuit.<sup>2</sup> It is thus facially apparent that Plaintiff's claim exceeds this Court's jurisdictional threshold of \$75,000, and Defendant has satisfied its burden.

### **III. CONCLUSION**

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the clerk of the District Clerk of Harris County, Texas promptly after the filing of this Notice.

13. As required by 28 U.S.C. § 1446(a), and Local Rule 81, a copy of each of the following are attached to (or filed with) this Notice:

- a. all executed process in the case, attached as Exhibit "A";
- b. all pleadings that assert causes of action and all answers to such pleadings, attached as Exhibit "B";
- c. a copy of the docket sheet in the state court action, attached as Exhibit "C";
- d. an index of matters being filed, attached as Exhibit "D"; and
- e. a list of all counsel of record, including addresses, telephone numbers and parties, attached as Exhibit "E".

14. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

WHEREFORE, Defendant Sentinel Insurance Company, Ltd. requests that this action be removed from the 4281st Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division, and that this Court enter such further orders as may be necessary and appropriate.

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<sup>2</sup> Plaintiff's Petition at ¶IV, pg. 2.

Respectfully submitted,

**ZELLE LLP**

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**ATTORNEY-IN-CHARGE FOR  
DEFENDANT SENTINEL INSURANCE  
COMPANY, LTD.**

**CERTIFICATE OF SERVICE**

On January 12, 2017, a true and correct copy of Defendant Sentinel Insurance Company, Ltd.'s Notice of Removal was filed with the Clerk of the Court using CM/ECF. I also certify that pursuant to the Federal Rules of Civil Procedure, the foregoing document is being served this day upon all known counsel of record via Notices of Electronic Filing generated by CM/ECF system as follows:

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/s/ Jennifer L. Gibbs  
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